

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

Case No. 06-C-161

**EVAN J. SCHUH and SCHUH MILK
SERVICES INC. SIMPLE IRA PLAN,**

Defendants.

DEFAULT JUDGMENT AS TO EVAN J. SCHUH

Plaintiff Elaine L. Chao, Secretary of Labor, United States Department of Labor, ("Secretary") in the above-styled action, having filed her complaint; Defendant Evan J. Schuh, ("Defendant"), having been duly served with a copy of the complaint; Defendant Evan J. Schuh having failed to plead or otherwise defend within the time prescribed by law; default of Defendant Evan J. Schuh having been duly entered by the Clerk of this Court on April 26, 2006; and the truth of the allegations contained in the Secretary's complaint having been verified by the declaration of the Secretary's Investigator; now, therefore upon application of the Secretary and for cause shown,

JUDGMENT IS HEREBY ENTERED against Defendant Evan J. Schuh in accordance with the prayer of the complaint; and it is:

ORDERED, ADJUDGED, AND DECREED that:

A. Within thirty (30) days of entry of this Judgment, Defendant Evan J. Schuh shall restore to the Schuh Milk Services, Inc. Simple IRA Plan ("Plan") \$11,255.66 as a result of his breaches of fiduciary duties and violations he committed for which he is liable;

B. Defendant Evan J. Schuh shall be permanently enjoined from violating the provisions of Title I of ERISA;

C. Defendant Evan J. Schuh shall be permanently enjoined from serving as a fiduciary to any ERISA-covered employee benefit plan;

D. Ordering that the U.S. Marshal shall hereby serve a copy of this default judgment upon Defendant Evan J. Schuh;

E. Ordering that, within thirty (30) days after service by the U.S. Marshal of this default judgment, Defendant Evan J. Schuh shall provide documentation to Kenneth Bazar, Regional Director of the Employee Benefits Security Administration ("EBSA"), at 200 West Adams St., Suite 1600, Chicago, Illinois 60606, demonstrating that \$11,255.66 has been forwarded to the Plan, as set forth in paragraph A of this default judgment;

F. Ordering that the Secretary is awarded the costs of this action; and

G. Ordering such further relief as is appropriate and just.

Dated: this 12th day of May, 2006.

s/ William C. Griesbach

HONORABLE WILLIAM GRIESBACH
UNITED STATES DISTRICT COURT JUDGE